

REMARKS

Claims 1-18 are pending in this application. Claims 1, 4, 7 and 10-15 are independent claims.

By this amendment, claims 1, 4, 7 and 10-15 are amended for clarity, and new claims 16-18 are added.

Reconsideration in view of the above amendments and following remarks is respectfully solicited.

The Claims Define Patentable Subject Matter

The final Office Action rejects:

(1) claims 1, 4 and 7 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,684,087 to Yu et al. (hereafter Yu); and

(2) claims 2, 3, 5, 6 and 8-15 under 35 U.S.C. §103(a) as being unpatentable over Yu in view of U.S. Patent Publication No. 2002/0136467 to Kinoshita (hereafter Kinoshita).

These rejections are respectfully traversed.

Applicant respectfully submits that Yu, either alone or in combination with Kinoshita, fails to teach or suggest each and every feature as set forth in the claimed invention.

102(e) rejection

In the present invention, as set forth in independent claims 1, 4 and 7, a processed image data set is generated by cutting out an area from an image represented by a selected one of the image data sets according to the changeable image area that has been specified, wherein the changeable image area is arbitrarily designated.

In contrast with the present invention, Yu merely teaches that an image requested by a mobile device is first processed in a server device. Specifically, in Yu the requested image is transformed to a reduced version that can fit into a screen of the mobile device in accordance with a set of parameters regarding the screen. (see Yu, Abstract).

Furthermore, Yu merely teaches that the reduced version is inherently divided into a number of subareas, each embedded with a link to a detailed version thereof and associated with one of the keys in the mobile device. (see Yu, col. 7, lines 11-23).

In other words, Yu merely discloses that the size and the position of the subareas used are inherently divided (e.g., predetermined) and are preferably divided equally into 3 by 3 subareas. (see Yu, col. 8, lines 18-27). Furthermore, Yu is completely silent about such subareas being arbitrarily changeable, as set forth in the claimed invention.

According to MPEP §2131, “a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. Of California*, 814 F.2d 628, 631, 2 USPQ2d 1051 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the ...claims.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913 (Fed. Cir. 1989). The elements must be arranged as required by the claims, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Applicant respectfully submits that the final Office Action has failed to establish the required *prima facie* case of anticipation because the cited reference, Yu, fails to teach or suggest each and every feature as set forth in the claimed invention.

Applicant respectfully submits that independent claims 1, 4 and 7 are allowable over Yu for at least the reasons noted above. Accordingly, withdrawal of the rejection of claims 1, 4 and 7 under 35 U.S.C. §102(e) is respectfully solicited.

103(a) rejection

Applicant also respectfully submits that Kinoshita fails to make up for the deficiencies found in Yu.

Applicant respectfully submits that neither Yu nor Kinoshita, taken singularly or in combination, (assuming these teachings may be combined, which applicant does not admit) teach or suggest a changeable image area that has an arbitrarily designated size and position.

Furthermore, according to the present invention, when displaying the changeable area, the user can select a landscape orientation or a portrait orientation, so as to appropriately display the area of the image on the screen. Both Yu and Kinoshita are silent about this feature. In addition, applicant respectfully submits that the cited references are both silent about keeping the aspect ratio of the area of the image constant during changing the size of the area of the image.

To establish a *prima facie* case of Obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP 706.02(j).

Applicant respectfully submits that the combination of Yu and Kinoshita fail to teach or suggest each and every feature as set forth in the claimed invention.

Applicant respectfully submits that independent claims 10-15 are allowable over the combination of Yu and Kinoshita for at least the reasons noted above.

As for each of the dependent claims not particularly discussed above, these claims are also allowable for at least the reasons set forth above regarding their corresponding independent claims, and/or for the further features claimed therein.

Accordingly, withdrawal of the rejection of claims 2, 3, 5, 6 and 8-15 under 35 U.S.C. §103(a) is respectfully requested.

Conclusion

In view of the foregoing, Applicant respectfully submits that the application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

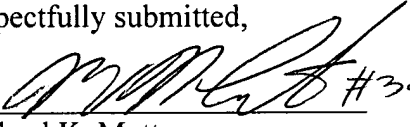
Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact Carolyn T. Baumgardner (Reg. No. 41,345) at (703) 205-8000 **to schedule a Personal Interview.**

Pursuant to the provisions of 37 C.F.R. §§ 1.17 and 1.136(a), the Applicants hereby petition for an extension of three (3) months to April 4, 2006. The required fee of \$1,020.00 is enclosed herewith.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment from or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §1.16 or under 37 C.F.R. §1.17; particularly, the extension of time fees.

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Respectfully submitted,

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